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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,427	04/22/2005	Fujita Kimura	5024-0102PUS1	1679
2292	7590	09/07/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			LANGDON, EVAN H	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/532,427	KIMURA, FUJITA	
	Examiner	Art Unit	
	Evan H. Langdon	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8 and 22-30 is/are pending in the application.
- 4a) Of the above claim(s) 28 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8, 22-27 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2005 and 22 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/22/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Newly submitted claims 28 and 29 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 28 and 29 are drawn to patentably distinct species. The species are independent or distinct because the inventions as claimed are not capable of use together or can have a materially different design.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 28 and 29 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.

Therefore, the support shaft integrally provided at the cent of the *second* side member and the receiver shaft integrally provided in the *first* side member of claim 8 must be shown or the feature(s) canceled from the claim(s).

Therefore, the second side member provided detachably in the second short cylindrical unit of claims 23 and 30 must be shown or the feature(s) canceled from the claim(s).

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

Art Unit: 3654

sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8, 22-27 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 8, the recitation “being used” in lines 5 and 10 renders the claims indefinite. It is not understood what being used means.

In regards to claim 8, the recitation “in such a fashion” renders the claim indefinite.

Claim 8 recites the limitation "the side member" in liens 18 and 20. There is insufficient antecedent basis for this limitation in the claim. It is not understood which side member is being claimed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 30-13286.

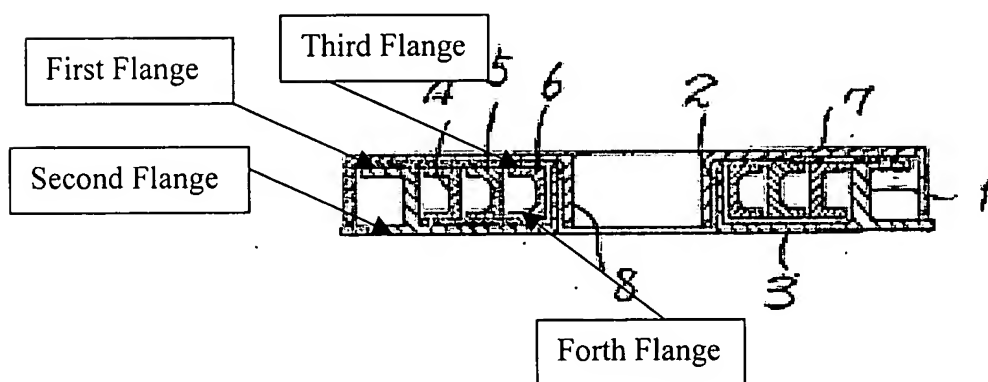
JP '286 discloses a spool comprising:

a first spool unit 3 having a first short cylindrical unit 1 around whose outer periphery a fishing line is wound, and a first flange formed on one side of the first short cylindrical unit, and a first side member forming a wall at the other side of the first short cylindrical unit and being used also as a second flange for the other side of the first short cylindrical unit;

a second spool 6 unit having a second short cylindrical unit around whose outer periphery a fishing line is wound, and a third flange formed on one side of the second short cylindrical unit, and a second side member forming a wall at the other side of the second cylindrical unit and being used also as a fourth flange for the other side of the second short cylindrical unit, wherein the second spool unit being disposed inside the first short cylindrical unit in such a fashion that a center of the second short cylindrical unit substantially coincides with a center of the first short cylindrical unit (Fig. 2); and

Art Unit: 3654

a support mechanism 2 comprising a support shaft integrally provided at the center of the first side member in a manner that the support shaft is orthogonal to the side member and extends toward the first flange side, and a receiver shaft integrally provided in the second side members which is orthogonal to the side member and extends toward the third flange side to be coupled with the support shaft (see below).



Claims 8, 22 and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 4-103473.

JP '473 discloses a spool comprising:

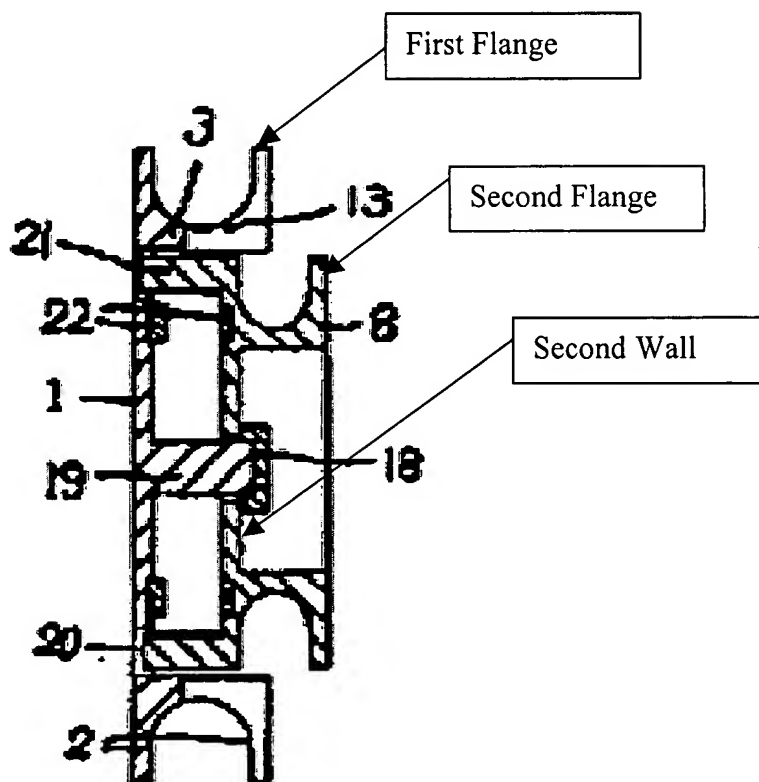
a first spool unit 2 having a first short cylindrical unit 3 around whose outer periphery a fishing line is wound, and a first flange formed on one side of the first short cylindrical unit, and a first side 1 member forming a wall at the other side of the first short cylindrical unit and being used also as a second flange for the other side of the first short cylindrical unit;

a second spool 8 unit having a second short cylindrical unit around whose outer periphery a fishing line is wound, and a third flange formed on one side of the second short cylindrical unit, and a second side member forming a wall at the other side of the second cylindrical unit and being used also as a fourth flange for the other side of the second short

Art Unit: 3654

cylindrical unit, wherein the second spool unit being disposed inside the first short cylindrical unit in such a fashion that a center of the second short cylindrical unit substantially coincides with a center of the first short cylindrical unit (Figures 6-8); and

a support mechanism 19 comprising a support shaft integrally provided at the center of the first side member in a manner that the support shaft is orthogonal to the side member and extends toward the first flange side, and a receiver shaft integrally provided in the second side members which is orthogonal to the side member and extends toward the third flange side to be coupled with the support shaft (see below).



In regards to claim 22, JP '473 discloses the first side member is provided with a fitting cylinder 13 extending in an axial direction of the support shaft and,

Art Unit: 3654

a fitting tolerance of an outer diameter of the fitting cylinder 13 and the inner diameter of the first short cylindrical unit 3 is set be such a value that the first side member is provided detachably in the first short cylindrical unit, and once being fitted, the first side member is reliably fixed to the first short cylindrical unit.

In regards to claim 25, the spool comprises a stopper 18.

In regards to claim 24, the Examiner takes Official Notice that it is common knowledge in the art of spools to have one flange larger the other. See MPEP section 2144.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '286 in view of Broos (3,442,464).

Broos teaches a side member 12 provided detachably on the other side of the first short cylindrical unit.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a spool flange, particularly the flange of the second spool, of JP '286 to include a detachable side member as suggested by Broos, to easily remove the wound material.

Claims 23 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '473 in view of Broos (3,442,464).

Broos teaches a side member 12 provided detachably on the other side of the first short cylindrical unit.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a spool flange, particularly the flange of the second spool, of JP '473 to include a detachable side member as suggested by Broos, to easily remove the wound material.

Response to Arguments

Applicant's arguments with respect to claim 8 have been considered but are moot in view of the new ground(s) of rejection. The amendments to claim 8 necessitated the new grounds of rejection

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Art Unit: 3654

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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